

## **MEETING #19 April 2**

At a Joint Meeting of the Madison County Board of Supervisors on April 2, 2008, at 7:30 p.m. in the Madison County Administrative Center Auditorium:

PRESENT: Eddie Dean, Chairman, Eddie Dean  
James L. Arrington, Vice-Chairman  
William L. Crigler, Member  
Bob Miller, Member  
Clark Powers, Member  
V. R. Shackelford, III, County Attorney  
Lisa R. Kelley, County Administrator

Chairman, Eddie Dean called the meeting to order and stated that all members are present.

Chairman, Eddie Dean provided an overview of the final phase of tonight's meeting and stated the following cases would be discussed tonight:

Case Number SP-04-08-18, which is a request by Vernon S. or Mary Ann Peachey for a site plan to construct an addition to expand the existing workshop space for Model Railroad Custom Bench work. This property is located on Route 231 near Rochelle and contains 7.962 acres of land, zoned A-1. Special use permit was approved on November 7, 2007. A letter of approval dated February 29, 2008 presented by Dwayne Dixon of the Madison Health Department was read for the record. Final plan was approved by the Virginia Department of Transportation on February 15, 2008.

Vernon Peachey was present to answer any questions pertaining to tonight's request.

After discussion, on motion of James L. Arrington, seconded by William L. Crigler, the site plan request was approved as recommended by the Madison County Planning Commission, with the following vote recorded:

Eddie Dean	Aye
James L. Arrington	Aye
William L. Crigler	Aye
Bob Miller	Aye
Clark Powers	Aye

Case Number S-04-08-19, which is a request by Donald Fincham for a plat of a subdivision of land to create four (4) lots, no residue. Lot A will be on Routes 634 and 626; Lot B will be on Route 626; and Lots C and D will be on a fifty-foot (50') right-of-way off Route 626. This property is located on Routes 634 and 626 near Madison, zoned Residential, R-1 (Tax Map 49-39). The final plat has been approved by the Virginia Department of Transportation and the Madison Health Department.

Dave Lewis, Surveyor, was present to answer questions pertaining to tonight's request.

After discussion, on motion of Clark Powers, seconded by James L. Arrington, the subdivision request is approved as recommended by the Madison County Planning Commission, with the following vote recorded:

Eddie Dean	Aye
James L. Arrington	Aye
William L. Crigler	Aye
Bob Miller	Aye
Clark Powers	Aye

Case Number S-04-08-20, which is a request by Donald R. Fincham for a plat of a subdivision of land to create two (2) lots, no residue. Lots A and B will be on a fifty-foot (50') right-of-way through Tax Map 49-39 (owned by Donald R. Fincham). This property is located off Route 626 near Madison, zoned Residential, R-1. (Tax Map 49-36). The final plat has been approved by the Virginia Department of Transportation and the Madison Health Department.

Dave Lewis, Surveyor, was present to answer any questions pertaining to tonight's request.

After discussion, on motion of Bob Miller, seconded by William L. Crigler, the subdivision request is approved as recommended by the Madison County Planning Commission, with the following vote recorded:

Eddie Dean	Aye
James L. Arrington	Aye
William L. Crigler	Aye
Bob Miller	Aye
Clark Powers	Aye

The Madison County Planning Commission reconvened to move forward with tonight's Public Hearing on the proposed Zoning Ordinance amendments.

V. R. Shackelford, III, County Attorney, introduced the proposed amendments:

1. Add 5-2-14 to allow by SUP (special use permit) antique store in R-1 in a structure under 2,500 square feet.

**\*V. R. Shackelford, III, County Attorney, also noted a typographical error in the publication: change “5-2-14” to “5-2-15.”\*- Ordinance will also need “number” in the title.**

V. R. Shackelford, III, County Attorney, noted this proposed Ordinance change was recommended by the Planning Commission. This proposed change came about after William L. Nicholson had filed for a rezoning of his property so he and his wife could operate an antique, craft or gift shop in the existing structure on the property which has always been used as a business. The grandfather period of two (2) years has elapsed since the property was last used as an antique shop.

**PUBLIC HEARING:**

The floor was opened for comments on the first proposed Zoning Ordinance Amendment related to adding “antique, craft or gift shop in a structure under 2,500 square feet (“Nicholson amendment”).

Bob Kane was present and stated that advertised changes are difficult to review and feels the advertised amendment was out of context; however, he verbalized support of the “Nicholson request.”

Bill Campbell was present and feels the request is a form of “just adding to an existing list.”

Bob Miller questioned why an antique shop would be appropriate in a district as most special use permit uses are services oriented.

Carl V. Knickman, President of Laurel Mountain Subdivision, stated he was not in favor of either amendment.

**ORDINANCE TO AMEND THE MADISON COUNTY  
ZONING ORDINANCE**

WHEREAS, the Board of Supervisors of Madison County, Virginia, finds that the following amendment to the Zoning Ordinance of Madison County, Virginia, would

promote the health, safety and general welfare of Madison County, Virginia, and be in accord with the declarations of legislative intent set forth in Virginia Code Section 15.2-2200 (1950, as amended) and the Madison County Comprehensive Plan adopted on December 14, 2006;

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of Madison County, Virginia, that the Zoning Ordinance of Madison County, Virginia, be, and it hereby is, amended as follows:

1. Add Article 5-2-15

Antique, craft or gift shop in a structure under 2,500 square feet.

The aforesaid amendment shall be effective upon enactment.

ENACTED this 2nd day of April, 2008.

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Eddie Dean, Chairman  
Madison County Board of Supervisors

	Aye	Nay	Abstain
Eddie Dean	<u>  x  </u>	_____	_____
Bob Miller	<u>  x  </u>	_____	_____
James L. Arrington	<u>  x  </u>	_____	_____
William L. Crigler	<u>  x  </u>	_____	_____
Clark Powers	<u>  x  </u>	_____	_____

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Lisa R. Kelley  
Madison County Administrator

After discussion, on motion of Clark Powers, seconded by James L. Arrington, the Board approved the aforementioned amendment to the County's Zoning Ordinance is approved as recommended by the Madison County Planning Commission, with the following vote recorded:

Eddie Dean	Aye
James L. Arrington	Aye
William L. Crigler	Aye
Bob Miller	Aye
Clark Powers	Aye

The floor was opened for comments on the second proposed Zoning Ordinance Amendment related to “home occupation.”

There are five (5) letters as part of the record for this proposed amendment. They were too lengthy to read but all the Planning Commissioners and Board of Supervisors got copies.

Frank Stedman, President of the Republic Party, was present and adamantly opposed the proposed amendment pertaining to “home occupation.”

Leigh Purdum of Brightwood, Virginia was present and stated she was opposed to the proposed amendment pertaining to “home occupation.

Al Martin was present and stated “grave misgivings” about the proposed amendment request.

John Sponski of Locust Dale, Virginia was present and stated he was opposed to the proposed amendment request.

Susan Cable was present and stated that she was opposed to the proposed amendment request; she also questioned why the request is even being considered.

Bob Kane was present and relayed comments regarding the decibel level that is being proposed which does not exist (dbb); he also stated he was opposed to the proposed amendment request.

Bill Campbell was present and stated he was opposed to the proposed amendment request.

Martha Dudley was present and stated she was opposed to the proposed amendment request. She questioned the fairness of this proposed amendments to neighbors.

Darlene Carpenter was present and asked “when did ‘we’ get so insensitive to the idea that a homeowner should not have the ability to make a living out of their home?” She also stated “we have always had these types of uses.” She stated this is an injustice to the Cassidy’s. She was in favor of the amendment.

It was pointed out that anyone has the right to make an application for a proposed amendment to the Zoning Ordinance. There is a provision in the Zoning Ordinance that allows for this.

After discussion, on motion of James L. Arrington, seconded by William L. Crigler, the Board denied the aforementioned amendment to the County's Zoning Ordinance regarding Article 20-98 with regard to the description of "home occupation," with the following vote recorded:

Eddie Dean	Aye
James L. Arrington	Aye
William L. Crigler	Aye
Bob Miller	Aye
Clark Powers	Aye

### **ORDINANCE TO AMEND THE MADISON COUNTY ZONING ORDINANCE**

WHEREAS, an application for the following amendment to the Madison County Zoning Ordinance has been made pursuant to Article 18-1-4; and

WHEREAS, the Board of Supervisors of Madison County, Virginia, finds that the following amendment to the Zoning Ordinance of Madison County, Virginia, would promote the health, safety and general welfare of Madison County, Virginia, and be in accord with the declarations of legislative intent set forth in Virginia Code Section 15.2-2200 (1950, as amended) and the Madison County Comprehensive Plan adopted on December 14, 2006;

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of Madison County, Virginia, that the Zoning Ordinance of Madison County, Virginia, be, and it hereby is, amended as follows:

1. Amend Article 20-98 to read

Home Occupation: An occupation limited to person(s) who reside on the premises where there is no evidence (except for signs as otherwise herein provided) that will indicate from the exterior that the building is being utilized in whole or in part for any purpose other than a dwelling or accessory building thereto; provided, however, a home occupation with less than three (3) employees who are regularly employed on the site may be permitted by special use permit in Conservation (C-1) and Agricultural (A-1) zones, and a home occupation with no more than four (4) employees, in addition to the owner(s) of the property, who are not required to reside on the property or have any relation to the owner(s) may be permitted by special use permit in Residential, Limited R-1, Residential, General R-2, and Residential, Multiple Family R-3 zones. A home occupation conducted solely within the home without any customer traffic to the home shall be permitted by right in Conservation (C-1), Agricultural (A-1), Residential, Limited (R-1), Residential General (R-2) and residential, Multiple Family (R-3) zones. A home occupation shall use no mechanical equipment that emits a sound level during the hours between 6:00 a.m. and 10:00 p.m. of more than 80dBA when measured at or outside the property line.

The aforesaid amendment shall be effective upon enactment.

On motion of James L. Arrington, seconded by William L. Crigler, the Board voted to deny this amendment to the County's Zoning Ordinance with regard to "home occupation," on this 2<sup>nd</sup> day of April, 2008.

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Eddie Dean, Chairman  
Madison County Board of Supervisors

	Aye	Nay	Abstain
Eddie Dean	<u>  x  </u>	<u>      </u>	<u>      </u>
Bob Miller	<u>  x  </u>	<u>      </u>	<u>      </u>
James L. Arrington	<u>  x  </u>	<u>      </u>	<u>      </u>
William L. Crigler	<u>  x  </u>	<u>      </u>	<u>      </u>
Clark Powers	<u>      </u>	<u>  x  </u>	<u>      </u>

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Lisa R. Kelley  
Madison County Administrator

With no further action being required by the Board, on motion of Bob Miller, seconded by William L. Crigler, Chairman, Eddie Dean adjourned the meeting, with the following vote recorded:

Eddie Dean	Aye
James L. Arrington	Aye
William L. Crigler	Aye
Bob Miller	Aye
Clark Powers	Aye

Date: April 4, 2008